

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

GUIDELINES FOR TRIAL BY JURY BEFORE JUDGE ROBINSON

Jury Selection. Juries are selected by the struck juror method, a description of which is attached.

Trial days. Trial days generally run from 9:30 a.m. to 4:30 p.m., with two 15-minutes breaks (morning and afternoon) and a one-half hour lunch break.

Timed proceedings. Civil trials are timed. Counsel must complete their case, from opening statements to examination of witnesses to closing argument to evidentiary disputes in the allotted time. Generally, the party losing an evidentiary dispute shall be charged the trial time used to resolve such.

Witnesses. Individuals may be called as trial witnesses if their names are disclosed by any party during discovery, even if they are not deposed during discovery.

Documents. Documents may be used at trial if they are 1) disclosed during discovery or 2) not requested during discovery. Documents which are not in the possession or control of any of the parties may be used at trial if the nonparty custodian is disclosed during discovery and the documents are either disclosed or never requested.

Opening statement. This is an opportunity to address the jury for the purpose of outlining the proposed evidence consistent with a party's contentions. **This is not an opportunity for argument.**

Exchange of witness and exhibit information. A list of the witnesses to be called and exhibits to be offered shall be given to opposing counsel at least 24 hours before their proffer.

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

GUIDELINES FOR TRIAL BY JURY BEFORE JUDGE ROBINSON (cont.)

Deposition excerpts. Deposition designations shall be provided to opposing counsel at least 72 hours before their proffer. Counter-designations shall be provided within 24 hours. All disputes shall be brought to the court's attention 24 hours before the deposition is to be offered.

Evidentiary disputes generally. If evidentiary disputes are not resolved through motions in limine or at the pretrial conference, counsel must confer and bring such disputes to the court's attention for resolution before or after the trial day, so as not to waste the jury's time. Objections not timely brought to the court's attention shall be deemed waived. Otherwise, a party who fails to abide by the court's guidelines and rulings or who insists on rearguing the court's rulings shall be sanctioned by losing assigned trial time.

Admission of documents. Each party is responsible for giving the clerk an exhibit list. In the absence of agreement among the parties as to the admissibility of documents, the party offering a document into evidence must provide copies to opposing counsel and the witness and must go through the authentication process. No document may be shown to the jury or read to the jury unless it has been admitted, by agreement or formally. No document shall be admitted, even by agreement, without some testimonial explanation. The original exhibit must be given to the clerk upon admission. The court only needs copies of those exhibits to which objections have been lodged.

Demeanor of counsel. Counsel may not approach opposing counsel's table or the witness stand without court permission. Objections to evidence shall be limited to a short statement, e.g., "Objection, hearsay." Sidebars are kept to a minimum. Common courtesies shall be extended by and between counsel.

Transition statements. Counsel are encouraged to make transition statements, to introduce witnesses and their role in the litigation.

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

GUIDELINES FOR TRIAL BY JURY BEFORE JUDGE ROBINSON (cont.)

Witness demeanor. Witnesses on cross-examination are expected to give "Yes" or "No" answers first, then give a further explanation. Witnesses who abuse their opportunity to give explanations by giving long, irrelevant answers will have their time charged to the party offering them as witnesses.

Mode and Order of Presentation. Examination of witnesses shall be limited to direct, cross, and redirect examinations.

Closing Argument. Regardless of the time allocated, any party's closing arguments may not exceed two (2) hours in total (i.e., for both opening and rebuttal arguments).

Jury Instructions. A **joint** set of instructions must be submitted. All proposed instructions must be accompanied by a disk. (We are presently using WordPerfect 9.0 format.)

Jury Deliberation. During jury deliberation, each party is responsible for providing Chambers with a telephone number by which counsel can be accessed quickly.

Attachment

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

JURY SELECTION BY STRUCK JUROR METHOD

1. After the judge has read a summary of the case and the oath has been administered to the venire panel, the judge will pose the questions agreed upon by counsel.

2. Those panel members who respond affirmatively to any question are identified by their juror numbers and, upon the conclusion of the voir dire, are called (one by one) to a sidebar conference with the judge and counsel. Counsel are given the opportunity at this time to ask further questions of the responding panel members.

3. After all the responding panel members have been questioned, those panel members who are excused for cause will have their juror numbers removed from the pool.

4. The juror numbers of the remaining panel members will be placed into a container. For a typical civil case (one with two parties and scheduled to last two weeks or less), 14 juror numbers (representing 14 of the remaining panel members) will be drawn randomly from the container and listed in the order drawn. Cases with more than two parties (i.e., more than six peremptory challenges) or which require more jurors because of trial length or complexity will require a larger pool than 14.

5. The selected panel members are seated in the jury box in the order drawn. Counsel are then given the opportunity to exercise their peremptory challenges (typically three per party). The process begins with the clerk presenting to plaintiff's counsel the list. Plaintiff's counsel may strike (by drawing a line through the name of) any one of the potential jurors. The clerk next presents the list to defendant's counsel, and the process continues until each party has either exhausted or waived their challenges. Note: Once a party has indicated satisfaction with the panel by not using a challenge, it has waived its opportunity to further challenge the membership.

6. The first eight panel members who have not had their names struck shall constitute the petit jury, with all jurors deliberating.

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

CHAMBERS OF
SUE L. ROBINSON
CHIEF JUDGE

LOCKBOX 31
844 KING STREET
U.S.COURTHOUSE
WILMINGTON, DELAWARE 19801

JURY SELECTION BY STRUCK JUROR METHOD (cont.)

7. The panel members who are not selected are excused. The panel members selected are administered their oath.

8. The judge will read preliminary jury instructions. After a short break to allow the jurors to call family members and employers, opening statements will proceed.

9. This process typically takes no more than 60 minutes.